

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 39

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SEYMOUR SHERMAN

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Appeal No. 98-2755  
Application 08/048,969<sup>1</sup>

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ON BRIEF

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Before COHEN, ABRAMS and McQUADE, Administrative Patent  
Judges.

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<sup>1</sup> Application for patent filed April 16, 1993. According to appellant, the application is a division of Application 07/852,060, filed March 16, 1992, abandoned.

Appeal No. 98-2755  
Application 08/048,969

COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 16 through 18. Claims 9 and 10 stand withdrawn from further consideration by the examiner, pursuant to 37 CFR § 1.142(b), as being based upon a non-elected invention. These claims constitute all of the claims remaining in the application.

Appellant's invention pertains to a method of installing a starter-generator having a drive end on an aircraft engine. An understanding of the invention can be derived from a reading of exemplary claim 16, a copy of which appears in EXHIBIT A appended to the brief (Paper No. 33).

As evidence of obviousness, the examiner has applied the documents listed below:

Kalikow	2,645,438	July 14, 1953
Herve	4,725,029	Feb. 16, 1988

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The following rejection is before us for review.

Claims 16 through 18 stand rejected under 35 U.S.C.  
§ 103 as being unpatentable over Kalikow in view of Herve.

The full text of the examiner's rejection and response to the argument presented by appellant appears in the answer (Paper No. 34), while the complete statement of appellant's argument can be found in the main and substitute reply briefs (Paper Nos. 33 and 37).

#### OPINION

In reaching our conclusion on the obviousness issue raised in this appeal, this panel of the board has carefully considered appellant's specification and claims, the applied patents, and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

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We reverse the examiner's rejection of claims 16 through 18 under 35 U.S.C. § 103 as being unpatentable over Kalikow in view of Herve, for the reasons appearing below.

This panel of the board fully comprehends the examiner's assessment of the applied patents and the rationale relied upon for their combination under 35 U.S.C. § 103. In particular, we certainly appreciate that Herve discloses

(Figs. 1, 3, and 4) interfacing apertures 8 and nuts 4 for mounting a brake booster to a firewall. The difficulty, however, that we have with the proposed modification of the mounting device of Kalikow is that it clearly would have removed therefrom the consequential structure necessary for the achievement of the patentee's objective, i.e., the wedge-shaped flange lugs which exactly match wedge-shaped grooves to best withstand engine vibration (column 3, lines 32 through 36). The importance of the lug and groove arrangement is

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further highlighted by the following. As explained by Kalikow (column 4, lines 55 through 67), intermediate the flange lugs 13 in the flange end portion 10' are apertures 23 which split the end portion into a plurality of separate arcuate relatively flexible segments. The clamping ring 21 is intended to constrict these segments so that the flange lugs 13 are firmly wedged within the accommodating arcuate grooves 9. Based upon the above, the conclusion that we reach is that one having ordinary skill in the art would not have been motivated to alter the mounting device of Kalikow as proposed. Thus, the claimed subject matter would not have been obvious in view of the applied teachings.

In summary, this panel of the board has reversed the rejection of claims 16 through 18 under 35 U.S.C. § 103 as being unpatentable over Kalikow in view of Herve.

The decision of the examiner is reversed.

REVERSED

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	IRWIN CHARLES COHEN	)	
	Administrative Patent Judge	)	
		)	
		)	
		)	BOARD OF
PATENT			
	NEAL E. ABRAMS	)	APPEALS AND
	Administrative Patent Judge	)	INTERFER-
ENCES		)	
		)	
		)	
	JOHN P. McQUADE	)	
	Administrative Patent Judge	)	

ICC:psb

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